

# MINUTES OF THE CITY COUNCIL OF LAUREL

February 19, 2002

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Bud Johnson at 7:00 p.m. on February 19, 2002.

COUNCIL MEMBERS PRESENT:            Lauren Van Roekel    Doug Poehls  
   Ken Olson                Mark Mace  
   Gay Easton             Daniel Dart  
   Dan Mears              John Oakes

COUNCIL MEMBERS ABSENT:            None

Mayor Johnson asked the council to observe a moment of silence.

The Laurel Service Unit of the Girl Scouts of America, a group of girls and leaders representing most of the troops in Laurel, gave a flag presentation and led the Pledge of Allegiance to the American flag. Jennifer Draper introduced the group, and each of the participants stated her name and troop number.

Mayor Johnson thanked the group for their presentation.

Mayor Johnson introduced John Oakes, who was appointed to the Ward IV seat on the council at the February 5, 2002, council meeting. Mayor Johnson conducted the swearing in ceremony for Mr. Oakes.

## MINUTES:

Motion by Alderman Olson to approve the minutes of the regular meeting of February 5, 2002, as presented, seconded by Alderman Poehls. Motion carried 8-0.

## CORRESPONDENCE:

- a. Montana Taxpayer – January 2002.
- b. Montana Municipal Insurance Authority: Memo of January 25, 2002 regarding 2002 Workers' Compensation Program Dividend.
- c. MMIA Newsletter – January 2002.
- d. Air Pollution Control: Minutes of December 11, 2001; Activity Report for January 2002; Agenda for February 12, 2002.
- e. Montana Department of Commerce: Memo of February 5, 2002 regarding Treasure State Endowment Program application guidelines.
- f. Montana Department of Commerce: Memo of February 8, 2002 regarding Planning Grants for the Fiscal 2002/2003 CDBG Programs; 2002/2003 Application Guidelines for Housing and Public Facilities Projects; Dates and Locations for 2002 Public Facilities and Housing Application Workshops.

## CONSENT ITEMS:

- a. **Clerk/Treasurer Financial Statements for the month of January 2002.**
- b. **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of January 14, 2002 were presented.

--City Council Committee of the Whole minutes of February 5, 2002 were presented.

--Public Works Committee minutes of February 11, 2002 were presented.

--Laurel Airport Authority minutes of September 25, 2001 were presented.

--Laurel Airport Authority minutes of November 27, 2001 were presented.

- c. **Resolution No. R02-15:** Authorizing the Mayor to sign a Project Cooperation Agreement with the Department of the Army for design and construction of the water intake.

**RESOLUTION NO. R02-15**

**AUTHORIZING THE MAYOR TO SIGN A  
PROJECT COOPERATION AGREEMENT  
WITH THE DEPARTMENT OF THE ARMY  
FOR DESIGN AND CONSTRUCTION OF THE WATER INTAKE.**

The mayor asked if there was any separation of consent items. There was none.

Motion by Alderman Olson to approve the consent items as presented, seconded by Alderman Poehls. Motion carried 8-0.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):**

None.

**SCHEDULED MATTERS:**

- a. **Confirmation of Appointments.**

City-County Planning Board:

A council appointment to the City-County Planning Board was necessary to fill the term vacated by Bud Johnson when he became mayor. The term expires in January 2004.

Motion by Alderman Easton to appoint Doug Poehls to the City-County Planning Board to complete the term that expires January 2004, seconded by Alderman Olson. Motion carried 8-0.

- b. **Approval of Yellowstone County Air Pollution Control Board regulation changes.** Public hearing was held on February 5, 2002.

The proposed regulation changes include the repeal of the Emergency Episode Plan (which refers to sources regulated by the State), updating the definition of "public nuisance," and a minor clerical error in the Open Burning Regulation.

Motion by Alderman Poehls to approve the regulation changes for the Yellowstone County Air Pollution Control Board, seconded by Alderman Easton. Motion carried 8-0.

- c. **Proposed zone change from Suburban Residential to Residential Tracts for Little Dude Ranchettes.** Planning Board recommends approval. Public hearing was held on February 5, 2002.

Motion by Alderman Olson to approve the zone change from Suburban Residential to Residential Tracts for Little Dude Ranchettes conditioned upon the County Commissioners' approval of the preliminary plat as approved by the City-County Planning Board, seconded by Alderman Mears.

Alderman Poehls requested that the letter to the Board of County Commissioners be attached to these minutes. A copy is attached.

A vote was taken on the motion. Motion carried 8-0.

- d. **Laurel Police Department report: Rick Musson, Police Chief.**

Chief Musson distributed and explained the Year-End Report for 2001 for the Laurel Police Department. He stated that it is a privilege to work as the Chief of Police for the City of Laurel, and he expressed appreciation for the employees in the Police Department. Some of the highlights of 2001 included: Officer Romero started his 12-week Montana Law Enforcement Basic Course on January 7, 2001; Officer Jay Hatton began as the SRO when the School Resource Officer Program was implemented in August 2001; Monica Salo was hired as a Relief Communications Officer in November and has been involved in grant writing for the department; the Laurel Police Reserve Unit worked 774.5 hours during the third and fourth quarters of 2001; employees have been involved in the review and revision of the department policy and procedure manual; and the dispatch center handled 8,206 calls for service during 2001.

After last year's audit of the department's entries on the state computer, a very positive response was received regarding the Terminal Agency Coordinator, Judy Woodman. The auditor stated that "... there was significant improvement in the logging of ... transactions since the audit of 1998. The procedures your agency has in place supporting the validations of wanted person records are some of the best I have ever seen." Michelle Steffans is the assistant coordinator.

Chief Musson stated that community policing should be a way of life. Community policing is accomplished when policing and the community work together to solve problems.

Mayor Johnson thanked Chief Musson for his presentation.

Matt Erekson gave a brief explanation of the ordinances on the agenda. The ordinances are repealing or amending various parts of the Laurel Municipal Code in order to bring them into compliance with Montana Code Annotated.

Ordinance O02-6 repeals three sections that are duplicated in other sections of the code in order to simplify the code book and not have duplicate sections. The sections addressed what constitutes a quorum and some of the voting procedures of this body.

Ordinance O02-7 amends the Montana Code Annotated in the second line of 7-4-4102 as it referred to the wrong section in MCA.

Ordinance O02-8 repeals the mayor's power to veto the Police Commission's decisions in keeping with the MCA, which has taken that power away from the mayor.

Ordinance O02-9 amends the Police Commission's decision-making power and the policy or procedure for an appeal of their decision. The mayor no longer has that power. A decision must be appealed through district court.

Ordinance O02-10 is now in conformity and consistent with state law as state law allows the fire chief to command any able-bodied citizen to assist the department at a fire. A question was raised if we want this policy since we have a volunteer fire department, and we have other procedures and inter-local agreements. Depending on the council's desire, this could be repealed. Basically, it allows the fire chief to enlist anyone to help put out a fire. The question is the city's liability if a citizen is enlisted and that person gets hurt. Currently, all the volunteer firemen are covered under workers' compensation. To create a new volunteer would be a gray area, but it is Matt's opinion that they would also be covered under workers' compensation; however, that remains a gray area. Leaving it in only gives the fire chief the power, but it does not require him to exercise that power.

Ordinance O02-11 and Ordinance O02-12 address the jurisdiction of the city court so that it conforms to state statute.

Ordinance O02-13 actually confirms when a civil action starts in the court. There is some different verbiage in the current ordinance that makes it confusing and inconsistent with the procedure that actually takes place.

Ordinance O02-14 deletes a mandatory requirement to retire at age 65. With passage of the ADA and age discrimination legislation, an employee cannot be required to retire at age 65. It is when someone is no longer physically or mentally able to perform his or her job. Retirement at age 65 can no longer be a requirement.

Alderman Mears questioned Ordinance No. O02-10. Since many people file lawsuits these days, he stated that deleting this ordinance should be considered. Mayor Johnson stated that he was free to make that motion.

There was discussion regarding the implications of Ordinance No. O02-10. Mayor Johnson explained that approval of the first reading of the ordinance did not mean that it would be approved upon second reading. Further research could be done before the second reading, and the council is responsible to complete that research before the final decision is made.

Alderman Olson stated his understanding that passage of the ordinances on first reading did not necessarily mean that it would pass on second reading. It would allow for time to investigate and consider them before final passage.

Mayor Johnson asked if the council was ready to proceed with the process. There was no further discussion.

- e. **Ordinance No. O02-6:** Ordinance amending Chapter 2.08 of the Laurel Municipal Code relating to City Council proceedings. First reading.

**ORDINANCE NO. O02-6**

**ORDINANCE AMENDING CHAPTER 2.08 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO CITY COUNCIL PROCEEDINGS.**

Motion by Alderman Olson to adopt Ordinance No. O02-6, seconded by Alderman Dart. A roll call vote was taken on the motion. All eight aldermen voted aye. Motion carried 8-0.

The public hearing for Ordinance No. O02-6 will be on the council agenda on March 5, 2002.

- f. **Ordinance No. O02-7:** Ordinance amending Chapter 2.12 of the Laurel Municipal Code relating to elective and appointive offices. First reading.

**ORDINANCE NO. O02-7**

**ORDINANCE AMENDING CHAPTER 2.12 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO ELECTIVE AND APPOINTIVE OFFICES.**

Motion by Alderman Poehls to adopt Ordinance No. O02-7, seconded by Alderman Van Roekel. A roll call vote was taken on the motion. All eight aldermen voted aye. Motion carried 8-0.

The public hearing for Ordinance No. O02-7 will be on the council agenda on March 5, 2002.

- g. **Ordinance No. O02-8:** Ordinance amending Chapter 2.60.160 of the Laurel Municipal Code relating to Police Commission decision – veto – modification. First reading.

**ORDINANCE NO. O02-8**

**ORDINANCE AMENDING CHAPTER 2.60.160 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO POLICE COMMISSION DECISION – VETO – MODIFICATION.**

Motion by Alderman Mace to adopt Ordinance No. O02-8, seconded by Alderman Mears. A roll call vote was taken on the motion. All eight aldermen voted aye. Motion carried 8-0.

The public hearing for Ordinance No. O02-8 will be on the council agenda on March 5, 2002.

- h. **Ordinance No. O02-9:** Ordinance amending Chapter 2.60.170 of the Laurel Municipal Code relating to Police Commission decision – enforcement appeal. First reading.

**ORDINANCE NO. 002-9**

**ORDINANCE AMENDING CHAPTER 2.60.170 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO POLICE COMMISSION DECISION – ENFORCEMENT APPEAL.**

Motion by Alderman Van Roekel to adopt Ordinance No. 002-9, seconded by Alderman Mace. A roll call vote was taken on the motion. All eight aldermen voted aye. Motion carried 8-0.

The public hearing for Ordinance No. 002-9 will be on the council agenda on March 5, 2002.

Mayor Johnson stated that Matt Erekson suggested that the council could vote in the negative regarding Ordinance No. 002-10 if the council did not want the ordinance to proceed forward.

- i. Ordinance No. 002-10:** Ordinance amending Chapter 2.64.070 of the Laurel Municipal Code relating to refusal to assist at fire – penalty. First reading.

**ORDINANCE NO. 002-10**

**ORDINANCE AMENDING CHAPTER 2.64.070 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO REFUSAL TO ASSIST AT FIRE – PENALTY.**

Motion by Alderman Olson to adopt Ordinance No. 002-10, seconded by Alderman Mace. A roll call vote was taken on the motion. Aldermen Poehls, Dart, Oakes, and Mears voted nay. Aldermen Mace, Easton, Olson, and Van Roekel voted aye. Motion tied 4-4. Mayor Johnson voted nay. Motion defeated 5-4.

- j. Ordinance No. 002-11:** Ordinance amending Chapter 2.68.030 of the Laurel Municipal Code relating to jurisdiction. First reading.

**ORDINANCE NO. 002-11**

**ORDINANCE AMENDING CHAPTER 2.68.030 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO JURISDICTION.**

Motion by Alderman Dart to adopt Ordinance No. 002-11, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen voted aye. Motion carried 8-0.

The public hearing for Ordinance No. 002-11 will be on the council agenda on March 5, 2002.

- k. Ordinance No. 002-12:** Ordinance amending Chapter 2.68.040 of the Laurel Municipal Code relating to exclusive jurisdiction. First reading.

**ORDINANCE NO. 002-12**

**ORDINANCE AMENDING CHAPTER 2.68.040 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO EXCLUSIVE JURISDICTION.**

Motion by Alderman Mace to adopt Ordinance No. 002-12, seconded by Alderman Dart. A roll call vote was taken on the motion. All eight aldermen voted aye. Motion carried 8-0.

The public hearing for Ordinance No. 002-12 will be on the council agenda on March 5, 2002.

- l. Ordinance No. 002-13:** Ordinance amending Chapter 2.68.070 of the Laurel Municipal Code relating to civil actions – proceedings. First reading.

**ORDINANCE NO. 002-13**

**ORDINANCE AMENDING CHAPTER 2.68.070 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO CIVIL ACTIONS – PROCEEDINGS.**

Motion by Alderman Oakes to adopt Ordinance No. O02-13, seconded by Alderman Olson. A roll call vote was taken on the motion. All eight aldermen voted aye. Motion carried 8-0.

The public hearing for Ordinance No. O02-13 will be on the council agenda on March 5, 2002.

- m. Ordinance No. O02-14:** Ordinance amending Chapter 2.96.260 of the Laurel Municipal Code relating to retirement requirements. First reading.

**ORDINANCE NO. O02-14**

**ORDINANCE AMENDING CHAPTER 2.96.260 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO RETIREMENT REQUIREMENTS.**

Motion by Alderman Van Roekel to adopt Ordinance No. O02-14, seconded by Alderman Mace. A roll call vote was taken on the motion. All eight aldermen voted aye. Motion carried 8-0.

The public hearing for Ordinance No. O02-14 will be on the council agenda on March 5, 2002.

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

None.

**UNSCHEDULED MATTERS:**

- a. Joint meeting.**

Mayor Johnson stated that the City of Laurel would host a joint meeting with the City of Billings, Yellowstone County, and School District No. 2 on Thursday, February 28<sup>th</sup>, at 5:30 p.m. at DJ's Steak House in the upstairs room.

- b. Council CIP Workshop.**

The council workshop regarding the Capital Improvement Plan (CIP) is scheduled for Saturday, March 2<sup>nd</sup>, at 8:00 a.m. in the Fire Hall. Ken Weaver and Judy Mathre, representatives from the Local Government Center in Bozeman, are scheduled to attend the meeting. Department heads will also attend and be involved in the CIP discussion.

- c. Olympic Torch.**

Alderman Olson stated that the Olympic torch is presently displayed at Cenex. The torch will be displayed at the Laurel Senior Citizen's Center at noon on Wednesday and at the Laurel Library for the remainder of the day. The torch will be displayed at the Laurel Post Office on Thursday and at City Hall on Friday. Ken asked for suggestions for display locations for the Olympic torch.

There being no further business to come before the council at this time, the meeting was adjourned at 8:04 p.m.

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Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 5<sup>th</sup> day of March, 2002.

\_\_\_\_\_  
John E. Johnson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer